

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US06/06079

Box I Observations where certain claims were found unsearchable (Continuation of Item 1 of first sheet)

This international report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claim Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claim Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claim Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of Item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:
Please See Continuation Sheet

1. ☒ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest ☐ The additional search fees were accompanied by the applicant's protest.
☒ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

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PCT/US06/06079

A. CLASSIFICATION OF SUBJECT MATTER

IPC: H02J 7/00(2006.01)

USPC: 320/133,132

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 320/133,132

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 6,169,387 (Kaib) 2 Jan 2001 (02.01.2001), fig. 1,2; column 4, lines 32-36; column. 4, lines 49-55; col. 2, lines 63-67; col. 5, lines 19-23.	1-24
X	US 6,169,387 (Kaib) 2 Jan 2001 (02.01.2001), fig. 1, 2; fig. 2, 55; column 4, lines 49-55.	25-36
—	US 6,834,195 (Brandenberg et al) 4 Apr 2001, column 57, lines 56-68, fig 8B, E; col. 5, lines 13-14; fig. 3A, 1513, 1511, and 1517; fig. 4b, 2049,2085; col. 73, lines 40-55; col. 1, lines 40-44.	25-36
Y		

☐ Further documents are listed in the continuation of Box C.☐ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"I" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"Z" document member of the same patent family

Date of the actual completion of the international search

10 December 2007 (10.12.2007)

Date of mailing of the international search report

21 DEC 2007

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US
Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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Authorized officer

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INTERNATIONAL SEARCH REPORT

PCT/US06/06079

BOX II. OBSERVATIONS WHERE UNITY OF INVENTION IS LACKING

Claims 1-24 : drawn to a method of establishing period of time, and adjusting the period as a function of a state of battery associated with the battery.

claims 25-36: drawn to a method of establishing a budget for enabling the portable device, such as vehicle battery power or other electronics, to acquire content and using power budge.

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference 81230.526PCT		Date of mailing (day/month/year) 21 DEC 2007
FOR FURTHER ACTION See paragraph 2 below		
International application No. PCT/US06/06079	International filing date (day/month/year) 22 February 2006 (22.02.2006)	Priority date (day/month/year) 28 February 2005 (28.02.2005)
International Patent Classification (IPC) or both national classification and IPC IPC: H02J 7/00 (2006.01) USPC: 320/133,132		
Applicant JANIK ET AL.		

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion 14 December 2007 (14.12.2007)	Authorized officer Akim E. Ullrich <i>[Signature]</i> Telephone No. 1-800-786-9199
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Form PCT/ISA/237 (cover sheet) (April 2005)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US06/06079

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in electronic form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US06/06079

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/2006) to pay additional fees the applicant has, within the applicable time limit:
- ☒ paid additional fees
 - ☐ paid additional fees under protest and, where applicable, the protest fee
 - ☐ paid additional fees under protest but the applicable protest fee was not paid
 - ☐ not paid additional fees
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:
See the lack of unity section of the International Search Report (Form PCT/ISA/210)

4. Consequently, this opinion has been established in respect of the following parts of the international application:

- ☒ all parts.
- ☐ the parts relating to claims Nos. _____

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US06/06079

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-36</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-36</u>	NO
Industrial applicability (IA)	Claims <u>1-36</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Please See Continuation Sheet

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US06/06079

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1-14 and 20-24 are rejected novelty under PCT article 33(2) as being anticipated by Kaib (US 6,169,387).

With respect to claims 1, 7, 9 and 20, Kaib discloses use in connection with a battery-powered device, a method of acquiring content comprising (fig. 1, 2): establishing a period of time during which the battery-powered device will be enabled to acquire content (col. 4, lines 32-36); and adjusting the period of time as a function of a state of a battery associated with the battery-powered device (col. 4, lines 49-55).

With respect to claims 2 and 3, Kaib discloses wherein the state of the battery comprises the battery being charged and discharge (col. 2, lines 60-65).

Regarding claims 4, 12 and 13, Kaib discloses comprising adjusting the period of time in response to the battery-powered device acquiring content (col. 4, lines 49-55).

With respect to claims 5 and 6, Kaib discloses comprising using a threshold value for the period of time to halt the battery-powered device acquiring content (col. 2, lines 63-67; col. 5, lines 19-23).

Regarding claim 8, Kaib discloses comprising using a measure of content size to enable the battery-powered device acquiring content (col. 4, lines 32-40).

With respect to claims 10 and 11, Kaib discloses a measure of data transfer rate to enable and determine the battery-powered device acquiring content (col. 2, lines 39-44 and col. 4, lines 32-40).

Regarding claim 14, Kaib discloses comprising adjusting the period of time as a function of a measure of a state of a battery within the battery-powered device (col. 4, lines 49-55).

With respect to claims 21-24, Kaib discloses wherein the state of the battery comprises a voltage level (col. 6, lines 24-40), current level (col. 5, lines 32-36), battery charge time (col. 6, lines 25-28) and battery discharge time (col. 5, lines 40-43).

With respect to claims 15 and 16, Kaib discloses use in connection with a battery-powered device, a method of acquiring content comprising (fig. 1, 2), but does not expressly disclose filter play and publication times. But, it would have been obvious to provide a filtering means (fig. 1, 22: data storage/process, since it contains capacitors and a controlling means for filtering information related to battery power), and the reason is that the filter means used to determine information related to battery-powered device, such as low battery capacity so that users can take action to avoid system failures of the health supporting device.

Regarding claims 17-19, Kaib discloses one or more ratings categories, one or more play dates and one or more publication dates (col. 2, lines 39-46; col. 4, lines 33-60).

Claims 25-36 are rejected inventive step under PCT Article 33(3) as being obvious over Kaib in view of Brandenberg et al (US 6,834,195).

With respect to claims 25, 30, 31 and 36, Kaib discloses use in connection with a portable device, a method of acquiring

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US06/06079

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

content comprising (fig. 1, 2): temperature measuring means associated with portable device (fig. 2, 55) the portable device to acquire content (col. 4, lines 49-55) but does not expressly disclose establishing a budget to enable the portable device to acquire content; and using the budget and a filter to determine which content the portable device will acquire. Brandenburg et al (hereinafter, Brandenburg), however, discloses establishing a budget (see col. 57, lines 56-58) to enable the portable device (figs. 8B, E) to acquire content (col. 5, lines 13-14; fig. 3A, 1513, 1511, and 1517: power related content); and using the budget and a filter to determine which content the portable device will acquire (fig. 4B, 2049, 2085: energy and content evaluator). It would have been obvious to one ordinary skill in the art to provide information regarding budget in terms of battery state associated with the portable device as taught by Brandenburg to battery management apparatus of Kaib to ensure content acquisition performance to be done by the portable device (col. 73, lines 40-55). The reason is that users get access to different content of the portable device in their office or while on the move (col. 1, lines 40-44).

With respect to claims 26, 33 and 34, Brandenburg discloses wherein the filter comprises one or more content genres (fig. 3A 1503, I/O contains filter means to be filtered and outputted data and other categories such as charge/discharge).

With respect to claim 27, Brandenburg discloses wherein the filter comprises one or more ratings categories (col. 57, lines 13-15).

As to claims 28 and 29, Brandenburg discloses wherein the filter comprises one or more play dates and one or more publication dates (the CPU is capable of fig. 8A and 8B displays date related to the data).

With respect to claims 32 and 33, Kaib discloses wherein the state of the battery comprises the battery being charged and the state of the battery comprises the battery being discharged (fig. 3, 34; col. 2, lines 64-68).

With regard to claim 35, Brandenburg discloses that adjusting the budget as a function of a data transfer rate (col. 57, lines 55-60).